

Subject: DeVito v. Neiman et al., EDNY Case No. 29-cv-05099

From: Levi Huebner Esq <newyorklawyer@msn.com>

To: "joshua@bromberglawoffice.com" <joshua@bromberglawoffice.com>

Cc: "brian@bromberglawoffice.com" <brian@bromberglawoffice.com>

Mon, 20 Apr 2020 23:06:59 +0000

Dear Joshua:

It was a pleasant surprise to receive you phone message and email this day. Please be advised that while I would object to any subpoena directed to the undersigned, though you have the physical ability to attempt obtaining information via a subpoena directed to the undersigned, please be further advised, that even if issued, same would be fruitless.

Mr. Shmuel Klein "MSK" who I knew from the neighborhood had initially contacted me regarding my representation of RFC Distributors Inc. ("RFC") and one Mr. Barry Klein ("MBF") wherein, I would represent RFC and MBF. As such, MSK acting solely as the agent of RFC and MBF limited to authorizing me to file a Notice of Appearance requested that I file a Notice of Appearance. Wherein, on March 5, 2020 I filed a Notice of Appearance for MBK and RFC [ECF 43]. MSK was supposed to have schedule a meeting with myself and MBK to further discuss the case. Unfortunately, the Covid-19 crisis occurred and impotunely, such the meeting never occurred. Subsequently, I learned from community members that, sadly, on or about April 4, 2020, MSK had passed away due to complications from Corona Virus.

As such I have not had a meeting with or been able to meet MBF or any representative of RFC.

Thus, at this juncture, I have no further information to furnish regarding MBF of RFC. Furthermore, I am not sure of my status regarding further representation on behalf of RFC or MBF as neither has executed a retainer with my office. Additionally, I am not even sure how my firm would withdraw from representing RFC and more particularly MBF, since, I do not have sufficient information allowing my office to serve MBF.

Ironically, at this juncture, it seems that your office and my office are facing the identical dilemma regarding service upon MBF.

Thank you for your consideration in this matter. Please feel free to contact the undersigned with any questions.

Very truly yours,

Levi Huebner

Levi Huebner & Associates, PC

Attorneys and Counselors at Law

488 Empire Boulevard, Suite 100

Brooklyn, NY 11225

Tel: (212) 354-5555

Fax: (718) 636-4444

EMAIL: NEWYORKLAWYER@MSN.COM

NOTICE: Unless specifically set forth herein, the transmission of this communication is not intended to be a legally binding electronic signature, and no offer, commitment or assent on behalf of the sender or its client is expressed or implied by the sending of this email, or any attachments hereto. NOTICE OF ATTORNEY'S CONFIDENTIALITY: The material submitted herewith contains, and is intended to be a confidential transmission of information or documents from Levi Huebner & Associates, PC which is legally privileged. The materials or information enclosed are intended only for the use of the individual or entity named in this transmission. If you are not the intended recipient, any disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at our cost.

From: joshua@bromberglawoffice.com <joshua@bromberglawoffice.com>

Sent: Monday, April 20, 2020 1:07 PM

To: newyorklawyer@msn.com

Cc: brian@bromberglawoffice.com

Subject: Re: DeVito v. Neiman et al., EDNY Case No. 29-cv-05099

Dear Mr. Huebner,

I am following up on the below. I have also left you a voice message. We need to resolve service of Mr. Klein before we can move on with the case. In addition, the stipulation we previously agreed to now includes old dates and will need to be updated. Please advise whether you are now authorized to accept service on behalf of Mr. Klein. If we do not hear from you by 4:00 p.m. tomorrow we will write to Judge Levy and request permission to subpoena Mr. Klein's personal information from you in order to effectuate service.

Thank you,

Joshua

----- Original Message -----

From:

joshua@bromberglawoffice.com

To:

<newyorklawyer@msncom>

Cc:

<brian@bromberglawoffice.com>

Sent:

Tue, 07 Apr 2020 14:29:28 -0700

Subject:

DeVito v. Neiman et al., EDNY Case No. 29-cv-05099

Dear Mr. Huebner,

I am writing on behalf of my client, Robert DeVito, to follow up on our earlier email correspondence concerning the above-captioned matter. We previously agreed to a stipulation whereby Mr. Devito agreed to lift the default against your client, RFC Distributors, and you agreed to accept service on behalf of your other client, Barry Klein. You then told us that you needed confirmation from your client before we could file that stipulation. We have not heard from you since despite sending follow-up emails. Please advise whether you are authorized to accept service on behalf of Mr. Klein. Given the amount of time that has passed in this case, if we cannot resolve service of Mr. Klein shortly, we will have little choice but to seek Judge Levy's permission to obtain Mr. Klein's personal information through subpoenas. We would prefer to avoid that outcome if possible.

Thank you,

Joshua

Joshua Tarrant-Windt

Associate

Bromberg Law Office, P.C.

26 Broadway, 27th Floor

New York, New York 10004

tel: 212.248.7906 Ext. 2 | fax: 212.2487908

joshua@bromberglawoffice.com

No fax advertisements, spam email or telephone solicitations please.

Not for service of court papers without prior written agreement.

We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.